

GUIDELINE

BILL NO. OVERLAYS. ____ Amdt.

Star Print8

AMENDMENT NO.

CAL. NO.

STAFF DISCUSSION DRAFT

October 2, 1999

Purpose: To authorize appropriations for the Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES_ 106 th Cong., 1 st Sess.

S. ____, 106 th Congress, 1 st Session

DATELINE October __, 1999

() Referred to the Committee on _____ and ordered to be printed

() Ordered to lie on the table and to be printed

Intended to be proposed by Mr. McCain

Viz: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) Short Title._ This Act may be cited as the ``Air Transportation Improvement Act".

(b) Table of Sections._ The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.

Sec. 2. Amendments to title 49, United States Code.

TITLE I_AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. Airport planning and development and noise compatibility planning and programs.

Sec. 104. Reprogramming notification requirement.

Sec. 105. Airport security program.

Sec. 106. Automated surface observation system stations.

TITLE II_AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

Sec. 201. Removal of the cap on discretionary fund.

Sec. 202. Innovative use of airport grant funds.

Sec. 203. Matching share.

Sec. 204. Increase in apportionment for noise compatibility planning and programs.

Sec. 205. Technical amendments.

Sec. 206. Report on efforts to implement capacity enhancements.

Sec. 207. Prioritization of discretionary projects.

Sec. 208. Public notice before grant assurance requirement waived.

Sec. 209. Definition of public aircraft.

Sec. 210. Terminal development costs.

Sec. 211. Airfield pavement conditions.

Sec. 212. Discretionary grants.

Sec. 213. Contract tower cost-sharing.

TITLE III_AMENDMENTS TO AVIATION LAW

Sec. 301. Severable services contracts for periods crossing fiscal years.

Sec. 302. Stage 3 noise level compliance for certain aircraft.

Sec. 303. Government and industry consortia.

Sec. 304. Implementation of Article 83 Bis of the Chicago Convention.

Sec. 305. Foreign aviation services authority.

Sec. 306. Flexibility to perform criminal history record checks; technical amendments to Pilot Records Improvement Act.

Sec. 307. Extension of Aviation Insurance Program.

Sec. 308. Technical corrections to civil penalty provisions.

Sec. 309. Criminal penalty for pilots operating in air transportation without an airman's certificate.

Sec. 310. Nondiscriminatory interline interconnection requirements.

Sec. 311. Review process for emergency orders under section 44709.

TITLE IV_MISCELLANEOUS

Sec. 401. Oversight of FAA response to year 2000 problem.

Sec. 402. Cargo collision avoidance systems deadline.

Sec. 403. Runway safety areas; precision approach path indicators.

Sec. 404. Airplane emergency locators.

Sec. 405. Counterfeit aircraft parts.

Sec. 406. FAA may fine unruly passengers.

Sec. 407. Higher standards for handicapped access.

Sec. 408. Conveyances of United States Government land.

Sec. 409. Flight operations quality assurance rules.

Sec. 410. Wide area augmentation system.

Sec. 411. Regulation of Alaska guide pilots.

Sec. 412. Alaska rural aviation improvement.

Sec. 413. Human factors program.

Sec. 414. Independent validation of FAA costs and allocations.

Sec. 415. Application of Federal Procurement Policy Act.

Sec. 416. Report on modernization of oceanic ATC system.

Sec. 417. Report on air transportation oversight system.

Sec. 418. Recycling of EIS.

Sec. 419. Protection of employees providing air safety information.

Sec. 420. Improvements to air navigation facilities.

Sec. 421. Denial of airport access to certain air carriers.

Sec. 422. Tourism.

Sec. 423. Sense of the Senate on property taxes on public-use airports.

Sec. 424. Federal Aviation Administration Personnel Management System.

Sec. 425. Authority to sell aircraft and aircraft parts for use in responding to oil spills.

Sec. 426. Aircraft and aviation component repair and maintenance advisory panel.

Sec. 427. Aircraft situational display data.

Sec. 428. Allocation of Trust Fund funding.

Sec. 429. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.

Sec. 430. Airline marketing disclosure.

Sec. 431. Compensation under the Death on the High Seas Act.

Sec. 432. FAA study of breathing hoods.

Sec. 433. FAA study of alternative power sources for flight data recorders and cockpit voice recorders.

Sec. 434. Passenger facility fee letters of intent.

Sec. 435. Elimination of HAZMAT enforcement backlog.

Sec. 436. FAA evaluation of long-term capital leasing.

Sec. 437. Discriminatory practices by computer reservations system outside the United States.

Sec. 438. Prohibitions against smoking on scheduled flights.

Sec. 439. Designating current and former military airports.

Sec. 440. Rolling stock equipment.

Sec. 441. Monroe Regional Airport land conveyance.

Sec. 442. Cincinnati-Municipal Blue Ash Airport.

Sec. 443. Report on Specialty Metals Consortium.

Sec. 444. Pavement condition.

Sec. 445. Inherently low-emission airport vehicle pilot program.

Sec. 446. Conveyance of airport property to an institution of higher education in Oklahoma.

Sec. 447. Automated Surface Observation System/Automated Weather Observing System Upgrade.

Sec. 448. Terminal Automated Radar Display and Information System.

Sec. 449. Cost/benefit analysis for retrofit of 16g seats.

Sec. 450. Raleigh County Memorial Airport.

Sec. 451. Airport safety needs.

Sec. 452. Flight training of international students.

Sec. 453. Grant Parish, Louisiana.

TITLE V_AVIATION COMPETITION PROMOTION

Sec. 501. Purpose.

Sec. 502. Establishment of small community aviation development program.

Sec. 503. Community-carrier air service program.

Sec. 504. Authorization of appropriations.

Sec. 505. Marketing practices.

Sec. 506. Slot exemptions for nonstop regional jet service.

Sec. 507. Exemptions to perimeter rule at Ronald Reagan Washington National Airport.

Sec. 508. Additional slot exemptions at Chicago O'Hare International Airport.

Sec. 509. Consumer notification of e-ticket expiration dates.

Sec. 510. Regional air service incentive options.

TITLE VI_NATIONAL PARK OVERFLIGHTS

Sec. 601. Findings.

Sec. 602. Air tour management plans for national parks.

Sec. 603. Advisory group.

Sec. 604. Overflight fee report.

Sec. 605. Prohibition of commercial air tours over the Rocky Mountain National Park.

TITLE VII_TITLE 49 TECHNICAL CORRECTIONS

Sec. 701. Restatement of 49 U.S.C. 106(g).

Sec. 702. Restatement of 49 U.S.C. 44909.

TITLE VIII_TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

Sec. 801. Transfer of functions, powers, and duties.

Sec. 802. Transfer of office, personnel, and funds.

Sec. 803. Amendment of title 49, United States Code.

Sec. 804. Savings provision.

Sec. 805. National ocean survey.

Sec. 806. Sale and distribution of nautical and aeronautical products by NOAA.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I_AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) In General._ Section 106(k) is amended to read as follows:

“(k) Authorization of Appropriations for Operations._

“(1) In general._ There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration \$5,632,000,000 for fiscal year 1999, \$5,784,000,000 for fiscal year 2000, \$6,073,000,000 for fiscal year 2001, and \$6,377,000,000 for fiscal year 2002. If the amounts authorized to be appropriated for fiscal year 2000, not more than \$9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

“(2) Authorized expenditures ._Of the amounts appropriated under paragraph (1) \$450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

“(3) University consortium._ There are authorized to be appropriated not more than

\$9,100,000 for the 3 fiscal year period beginning with fiscal year 2000 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph_

“(A) may not be used for the construction of a building or other facility; and

“(B) shall be awarded on the basis of open competition.”.

(b) Coordination._ The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) In General._ Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) \$2,131,000,000 for fiscal year 1999.

“(2) \$2,689,000,000 for fiscal year 2000.

“(3) \$2,799,000,000 for fiscal year 2001.

“(4) \$2,914,000,000 for fiscal year 2002.”.

(b) Continuation of ILS Inventory Program ._Section 44502(a)(4)(B) is amended_

(1) by striking “fiscal years 1995 and 1996” and inserting “fiscal years 1999 through 2002”; and

(2) by striking “acquisition,” and inserting “acquisition under new or existing contracts,”.

(c) Life-Cycle Cost Estimates._ The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed \$50,000,000.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) Extension and Authorization._ Section 48103 is amended by striking “\$2,050,000,000 for the period beginning October 1, 1998, and ending August 6, 1999.” and inserting “\$2,410,000,000 for fiscal years ending before October 1, 1999, \$4,885,000,000 for fiscal years ending before October 1, 2000, \$7,295,000,000 for fiscal years ending before October 1, 2001, and \$9,705,000,000 for fiscal years ending before October 1, 2002.”.

(b) Project Grant Authority._ Section 47104(c) is amended by striking “August 6, 1999,” and inserting “September 30, 2002,”.

SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 105. AIRPORT SECURITY PROGRAM.

(a) In General . Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

“§ 47136. Airport security program

“(a) General Authority . To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative aviation security systems and related technology.

“(b) Priority . In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that_

“(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

“(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

“(c) Matching Share . Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

“(d) Terms and Conditions . The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

“(e) Eligible Sponsor Defined . In this section, the term ‘eligible sponsor’ means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

“(f) Authorization of Appropriations . Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than

\$5,000,000 for the purpose of carrying out this section."

(b) Conforming Amendment . _The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

``47136. Airport security program."

SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until_

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

TITLE II _AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) Codification and Improvement of 1996 Program._ Subchapter I of chapter 471 is amended by adding at the end thereof the following:

``§ 47135. Innovative financing techniques

``(a) In General._ The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

``(b) Purpose._ The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

``(c) Limitation_ In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

“(d) Innovative Financing Technique Defined._ In this section, the term ‘innovative financing technique’ includes methods of financing projects that the Secretary determines may be beneficial to airport development, including_

“(1) payment of interest;

“(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

“(3) flexible non-Federal matching requirements.”.

(b) Conforming Amendment._ The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

“47135. Innovative financing techniques.”.

SEC. 203. MATCHING SHARE.

Section 47109(a)(2) is amended by inserting “not more than” before “90 percent”.

SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 47117(e)(1)(A) is amended by striking “31” each time it appears and inserting “35”.

SEC. 205. TECHNICAL AMENDMENTS.

(a) Use of Apportionments for Alaska, Puerto Rico, and Hawaii._ Section 47114(d)(3) is amended to read as follows:

“(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.”.

(b) Supplemental Apportionment for Alaska._ Section 47114(e) is amended_

(1) by striking “Alternative” in the subsection caption and inserting “Supplemental”;

(2) in paragraph (1) by_

(A) striking ``Instead of apportioning amounts for airports in Alaska under" and inserting ``Notwithstanding"; and

(B) striking ``those airports" and inserting ``airports in Alaska"; and

(3) striking paragraph (3) and inserting the following:

``(3) An amount apportioned under this subsection may be used for any public airport in Alaska.".

(c) Repeal of Apportionment Limitation on Commercial Service Airports in Alaska._ Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) Continuation of Project Funding._ Section 47108 is amended by adding at the end thereof the following:

``(e) Change in Airport Status._ If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.".

(e) Grant Eligibility for Private Reliever Airports._ Section 47102(17)(B) is amended_

(1) by striking ``or" at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

``(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or".

(f) Reliever Airports Not Eligible for Letters of Intent._ Section 47110(e)(1) is amended by striking ``or reliever".

(g) Passenger Facility Fee Waiver for Certain Class of Carriers._ Section 40117(e)(2) is amended_

(1) by striking ``and" after the semicolon in subparagraph (B);

(2) by striking ``payment." in subparagraph (C) and inserting ``payment; and

(3) by adding at the end thereof the following:

“(D) on flights, including flight segments, between 2 or more points in Hawaii.”.

(h) Passenger Facility Fee Waiver for Certain Class of Carriers or for Service to Airports in Isolated Communities._ Section 40117(i) is amended_

(1) by striking “and” at the end of paragraph (1);

(2) by striking “transportation.” in paragraph (2)(D) and inserting “transportation; and”; and

(3) by adding at the end thereof the following:

“(3) may permit a public agency to request that collection of a passenger facility fee be waived for_

“(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

“(B) passengers enplaned on a flight to an airport_

“(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

“(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.”.

(i) Use of the Word “gift” and Priority for Airports in Surplus Property Disposal._

(1) Section 47151 is amended_

(A) by striking “give” in subsection (a) and inserting “convey to”;

(B) by striking “gift” in subsection (a)(2) and inserting “conveyance”;

(C) by striking “giving” in subsection (b) and inserting “conveying”;

(D) by striking “gift” in subsection (b) and inserting “conveyance”; and

(E) by adding at the end thereof the following:

“(d) Priority for Public Airports._ Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.”.

(2) Section 47152 is amended_

(A) by striking “ gifts ” in the section caption and inserting “ conveyances ”; and

(B) by striking “ gift ” in the first sentence and inserting “ conveyance ”.

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

“47152. Terms of conveyances.”.

(4) Section 47153(a) is amended_

(A) by striking “ gift ” in paragraph (1) and inserting “ conveyance ”;

(B) by striking “ given ” in paragraph (1)(A) and inserting “ conveyed ”; and

(C) by striking “ gift ” in paragraph (1)(B) and inserting “ conveyance ”.

(j) Minimum Apportionment._ Section 47114(c)(1)(B) is amended by adding at the end thereof the following: “For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting ‘\$650,000’ for ‘\$500,000’.”.

(k) Apportionment for Cargo Only Airports._

(1) Section 47114(c)(2)(A) is amended by striking “ 2.5 percent ” and inserting “ 3 percent ”.

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(l) Temporary Air Service Interruptions._ Section 47114(c)(1) is amended by adding at

the end thereof the following:

“(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that_

“(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

“(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

“(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.”.

(m) Flexibility in Pavement Design Standards._ Section 47114(d) is amended by adding at the end thereof the following:

“(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that_

“(A) safety will not be negatively affected; and

“(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.”.

(n) Eligibility of Runway Incursion Prevention Devices ._

(1) Policy ._Section 47101(a)(11) is amended by inserting “(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)” after “activities”.

(2) Maximum use of safety facilities ._Section 47101(f) is amended_

(A) by striking ``and" at the end of paragraph (9); and

(B) by striking ``area." in paragraph (10) and inserting ``area; and"; and

(C) by adding at the end the following:

``(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(3) Airport development defined . _Section 47102(3)(B)(ii) is amended by inserting ``and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end.

(o) Technical amendments._ Section 47116(d) is amended_

(1) by striking `In making' and inserting the following:

``(1) Construction of new runways._ In making";

(2) by adding at the end the following:

``(2) Airport development for turbine powered aircraft._ In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent."; and

(3) by aligning the remainder of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended_

(1) by inserting ``(a) In General._" before ``In"; and

(2) by adding at the end thereof the following:

“(b) Discretionary Funding To Be Used for Higher Priority Projects._ The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.”.

SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.

(a) In General._ Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) Effective Date._ This section applies to any request filed on or after the date of enactment of this Act.

SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.

Section 40102(a)(37)(B)(ii) is amended_

(1) by striking “or” at the end of subclause (I);

(2) by striking the “States.” in subclause (II) and inserting “States; or”; and

(3) by adding at the end thereof the following:

“(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.”.

SEC. 210. TERMINAL DEVELOPMENT COSTS.

Section 40117 is amended by adding at the end thereof the following:

“(j) Shell of Terminal Building._ In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).”.

SEC. 211. AIRFIELD PAVEMENT CONDITIONS.

(a) Evaluation of Options._ The Administrator of the Federal Aviation Administration

shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including_

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) Report to Congress._ The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

SEC. 212. DISCRETIONARY GRANTS.

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

SEC. 213. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

“(3) Contract air traffic control tower pilot program._

“(A) In general._ The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower Program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the ‘Contract Tower Program’).

“(B) Program components._ In carrying out the pilot program established under subparagraph (A), the Administrator shall_

“(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

“(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

“(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed \$1,100,000.

“(C) Priority._ In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

“(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administrator has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

“(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .50.

“(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

“(iv) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

“(v) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

“(D) Costs exceeding benefits._ If the costs of operating an air traffic control tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefits.

“(E) Authorization of appropriations._ There are authorized to be appropriation \$6,000,000 per fiscal year to carry out this paragraph.”.

TITLE III_AMENDMENTS TO AVIATION LAW

SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) Chapter 401 is amended by adding at the end thereof the following:

“§ 40125. Severable services contracts for periods crossing fiscal years

“(a) In General._ The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

“(b) Obligation of Funds._ Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.”.

(b) Conforming Amendment._ The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

“40125. Severable services contracts for periods crossing fiscal years.”.

SEC. 302. STAGE 3 NOISE LEVEL COMPLIANCE FOR CERTAIN AIRCRAFT.

(a) Exemption for Aircraft Modification or Disposal, Scheduled Heavy Maintenance, or Leasing-related Flights._ Section 47528 is amended_

(1) by striking “subsection (b)” in subsection (a) and inserting “subsection (b) or (f)”;

(2) by adding at the end of subsection (e) the following:

“(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order_

“(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

“(B) conduct operations within the limitations of paragraph (2)(B).”; and

(3) adding at the end thereof the following:

“(f) Aircraft Modification, Disposal, Scheduled Heavy Maintenance, or Leasing._

“(1) In general._ The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to_

“(A) sell, lease, or use the aircraft outside the contiguous 48 States;

“(B) scrap the aircraft;

“(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

“(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

“(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

“(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

“(2) Procedure To Be Published._ The Secretary shall establish and publish, not later than 30 days after the date of enactment of the Air Transportation Improvement Act a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.”.

(b) Noise Standards for Experimental Aircraft._

(1) In general._ Section 47528(a) is amended by inserting “(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)” after “civil subsonic turbojet”.

(2) FAR modified._ The Federal Aviation Regulations, contained in Part 14 of the Code of Federal Regulations, that implement section 47528 and related provisions shall be deemed to incorporate this change on the effective date of this Act.

SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end thereof the following:

“(f) Government and Industry Consortia._ The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security

and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended_

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) Bilateral Exchanges of Safety Oversight Responsibilities._

“(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

“(A) Article 12 (Rules of the Air).

“(B) Article 31 (Certificates of Airworthiness).

“(C) Article 32a (Licenses of Personnel).

“(2) The agreement under paragraph (1) may apply to_

“(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

“(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

“(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

“(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.”.

SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.

Section 45301(a)(2) is amended to read as follows:

“(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than_

“(A) air traffic control services; and

“(B) fees for production-certification-related service pertaining to aeronautical products manufactured outside the United States.”.

SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.

Section 44936 is amended_

(1) by striking “subparagraph (C))” in subsection (a)(1)(B) and inserting “subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)”;

(2) by striking “individual” in subsection (f)(1)(B)(ii) and inserting “individual’s performance as a pilot”; and

(3) by inserting “or from a foreign government or entity that employed the individual,” in subsection (f)(14)(B) after “exists,”.

SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 is amended by striking “August 6, 1999.” and inserting “December 31, 2003.”.

SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended_

(1) by striking “46302, 46303, or” in subsection (a)(1)(A);

(2) by striking “an individual” the first time it appears in subsection (d)(7)(A) and inserting “a person”; and

(3) by inserting “or the Administrator” in subsection (g) after “Secretary”.

SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR
TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) In General . Chapter 463 is amended by adding at the end the following:

“§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

“(a) Application . This section applies only to aircraft used to provide air transportation.

“(b) General Criminal Penalty . An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual_

“(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

“(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

“(c) Controlled Substance Criminal Penalty .

“(1) In this subsection, the term ‘controlled substance’ has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

“(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating_

“(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

“(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

“(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.”.

(b) Clerical Amendment . The chapter analysis for chapter 463 is amended by adding

at the end thereof the following:

“46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.”.

SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) In General._ Subchapter I of chapter 417 is amended by adding at the end thereof the following:

“§ 41717. Interline agreements for domestic transportation

“(a) Nondiscriminatory Requirements._ If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

“(b) Definitions._ In this section the term ‘essential airport facility’ means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.”.

(b) Clerical amendment._ The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

“41717. Interline agreements for domestic transportation.”.

SEC. 311. REVIEW PROCESS FOR EMERGENCY ORDERS UNDER SECTION 44709.

Section 44709(e) is amended to read as follows:

“(e) Effectiveness of Orders Pending Appeal._

“(1) In general._ When a person files an appeal with the Board under subsection (d) of this section, the order of the Administrator is stayed.

“(2) Exception._ Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

“(3) Review of emergency order._ A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may request a review by the Board, under procedures promulgated by the Board, on the issues of the appeal that are related to the existence of an emergency. Any such review shall be requested within 48 hours after the order becomes effective. If the Administrator is unable to demonstrate to the Board that an emergency exists that requires the immediate application of the order in the interest of safety in air commerce and air transportation, the order shall, notwithstanding paragraph (2), be stayed. The Board shall dispose of a review request under this paragraph within 5 days after it is filed.

“(4) Final disposition._ The Board shall make a final disposition of an appeal under subsection (d) within 60 days after the appeal is filed.”.

TITLE IV_MISCELLANEOUS

SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months through December 31, 2000, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.

(a) In General._ The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo airplane with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(b) Extension._ The Administrator may extend the deadline imposed by subsection (a)

for not more than 2 years if the Administrator finds that the extension is needed to promote_

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) Collision Avoidance Equipment._ For purposes of this section, the term ``collision avoidance equipment" means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administrator for collision avoidance purposes.

SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.
Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for_

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

SEC. 404. AIRPLANE EMERGENCY LOCATORS.

(a) Requirement._ Section 44712(b) is amended to read as follows:

``(b) Nonapplication._ Subsection (a) does not apply to aircraft when used in_

``(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

``(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

``(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

``(4) showing compliance with regulations, exhibition, or air racing; or

``(5) the aerial application of a substance for an agricultural purpose.".

(b) Compliance._ Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

``(c) Compliance._ An aircraft is deemed to meet the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment

approved by the Secretary for meeting the requirement of subsection (a).".

(c) Effective Date; Regulations._

(1) Regulations._ The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) Effective date._ The amendments made by this section shall take effect on January 1, 2002.

SEC. 405. COUNTERFEIT AIRCRAFT PARTS.

(a) Denial; Revocation; Amendment of Certificate._

(1) In general._ Chapter 447 is amended by adding at the end thereof the following:

``§ 44725. Denial and revocation of certificate for counterfeit partsviolations

``(a) Denial of Certificate._

``(1) In general._ Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person_

``(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

``(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

``(2) Exception._ Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

``(b) Revocation of Certificate._

``(1) In general._ Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder_

``(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

``(B) knowingly carried out or facilitated an activity punishable under such a law.

“(2) No authority to review violation._ In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

“(c) Notice Requirement._ Before the Administrator revokes a certificate under subsection (b), the Administrator shall_

“(1) advise the holder of the certificate of the reason for the revocation; and

“(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

“(d) Appeal._ The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, ‘person’ shall be substituted for ‘individual’ each place it appears.

“(e) Acquittal or Reversal._

“(1) In general._ The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

“(2) Reissuance._ The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if_

“(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

“(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

“(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

“(f) Waiver._ The Administrator may waive revocation of a certificate under subsection (b) of this section if_

“(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; and

“(2) the waiver will facilitate law enforcement efforts.

“(g) Amendment of Certificate._ If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that_

“(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

“(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.”.

(2) Conforming amendment._ The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

“44725. Denial and revocation of certificate for counterfeit partsviolations”.

(b) Prohibition on Employment._ Section 44711 is amended by adding at the end thereof the following:

“(c) Prohibition on Employment of Convicted Counterfeit Part Dealers._ No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.”.

SEC. 406. FAA MAY FINE UNRULY PASSENGERS.

(a) In General._ Chapter 463 (as amended by section 309) is amended by adding at the end thereof the following:

“§ 46318. Interference with cabin or flight crew

“(a) In General._ An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than \$10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

“(b) Compromise and Setoff._

“(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

“(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.”.

(b) Conforming Change._ The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

“46318. Interference with cabin or flight crew.”.

SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.

(a) Establishment of Higher International Standards._ The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) Investigation of All Complaints Required._ Section 41705 is amended_

(1) by inserting “(a) In General._” before “In providing”;

(2) by striking “carrier” and inserting “carrier, including any foreign air carrier doing business in the United States,”; and

(3) by adding at the end thereof the following:

“(b) Each Act Constitutes Separate Offense._ Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

“(c) Investigation of Complaints._

“(1) In general._ The Secretary or a person designated by the Secretary shall investigate each complaint of a violation of subsection (a).

“(2) Publication of data._ The Secretary or a person designated by the Secretary

shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

“(3) Employment._ The Secretary is authorized to employ personnel necessary to enforce this section.

“(4) Review and report._ The Secretary or a person designated by the Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

“(5) Technical Assistance._ Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall_

“(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

“(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.”.

(c) Increased Civil Penalties._ Section 46301(a) is amended_

(1) by inserting “41705,” after “41704,” in paragraph (1)(A); and

(2) by adding at the end thereof the following:

“(7) Violation of section 41705._

“(A) Credit; voucher; civil penalty._ Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of_

“(i) not less than \$500 and not more than \$2,500 for the first violation; or

“(ii) not less than \$2,500 and not more than \$5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

“(B) Remedy Not Exclusive._ Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or to limit claims for compensatory or punitive damages asserted in such cases.

“(C) Attorney's Fees._ In addition to the penalty provided by subparagraph (A), an individual who_

“(i) brings a civil action against an air carrier to enforce this section; and

“(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.”.

SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.

(a) In General._ Section 47125(a) is amended to read as follows:

“(a) Conveyances to Public Agencies._

“(1) Request for conveyance._ Except as provided in subsection (b) of this section, the Secretary of Transportation_

“(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

“(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

“(2) Response to request for certain conveyances._ Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall_

“(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

“(B) notify the Secretary of the decision; and

“(C) make the requested conveyance if_

“(i) the requested conveyance is consistent with the needs of the department, agency,

or instrumentality;

“(ii) the Attorney General approves the conveyance; and

“(iii) the conveyance can be made without cost to the United States Government.

“(3) Reversion._ Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.”.

(b) Release of Certain Conditions._ Section 47125 is amended_

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

“(b) Release of Certain Conditions._ The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary_

“(1) determines that the property is no longer needed for aeronautical purposes;

“(2) determines that the property will be used solely to generate revenue for the public airport;

“(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

“(4) provides notice to the public of the requested release;

“(5) includes in the release a written justification for the release of the property; and

“(6) determines that release of the property will advance civil aviation in the United States.”.

(c) Effective Date._ Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) Iditarod Area School District._ Notwithstanding any other provision of law

(including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.

SEC. 410. WIDE AREA AUGMENTATION SYSTEM.

(a) Plan._ The Administrator of the Federal Aviation Administration shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administrator shall continue to develop and maintain a backup system.

(b) Report._ Within 6 months after the date of enactment of this Act, the Administrator shall_

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS Defined._ For purposes of this section, the term ``WAAS" means wide area augmentation system.

(d) Funding Authorization._ There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 411. REGULATION OF ALASKA GUIDE PILOTS.

(a) In General._ Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) Rulemaking Proceeding._

(1) In general._ The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) Contents of rules._ A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots_

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) Definitions._ In this section, the following definitions apply:

(1) Letter of authorization._ The term ``letter of authorization" means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) Alaska guide pilot._ The term ``Alaska guide pilot" means a pilot who_

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.

(a) Application of FAA Regulations._ Section 40113 is amended by adding at the end thereof the following:

“(f) Application of Certain Regulations to Alaska._ In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.”.

(b) Aviation Closed Circuit Television._ The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer than 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for pre-flight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated \$2,000,000 for the purposes of this subsection.

(c) Mike-in-hand Weather Observation._ The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a “mike-in-hand” weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) Rural IFR Compliance._ There are authorized to be appropriated \$4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

SEC. 413. HUMAN FACTORS PROGRAM.

(a) In General._ Chapter 445 is amended by adding at the end thereof the following:

“§ 44516. Human factors program

“(a) Report._ The Administrator of the Federal Aviation Administration shall report within 1 year after the date of enactment of the Air Transportation Improvement Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of the

Administration's efforts to encourage the adoption and implementation of Advanced Qualification Programs for air carriers under this section.

“(b) Human Factors Training._

“(1) Air traffic controllers._ The Administrator shall_

“(A) address the problems and concerns raised by the National Research Council in its report ‘The Future of Air Traffic Control’ on air traffic control automation; and

“(B) respond to the recommendations made by the National Research Council.

“(2) Pilots and flight crews._ The Administrator shall work with the aviation industry to develop specific training curricula to address critical safety problems, including problems of pilots_

“(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

“(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

“(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

“(D) in landing and approaches, including nonprecision approaches and go-around procedures.

“(c) Accident Investigations._ The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

“(d) Test Program._ The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

“(e) Advanced Qualification Program Defined._ For purposes of this section, the term ‘advanced qualification program’ means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.”.

(b) Automation and Associated Training._ The Administrator of the Federal Aviation Administration shall complete the Administration's updating of training practices for

flight deck automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) Conforming Amendment._ The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

``44516. Human factors program.".

SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.

(a) Independent Assessment ._

(1) Initiation ._Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) Assessment of adequacy and accuracy of faa cost data and attributions._ To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and

the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) Deadline . _The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) Funding. _ There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

SEC. 415. APPLICATION OF FEDERAL PROCUREMENT POLICY ACT.

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 nt) is amended _

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) Certain Provisions of the Office of Federal Procurement Policy Act. _ Notwithstanding subsection (b)(2), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under subsection (a) with the following modifications:

“(1) Subsections (f) and (g) shall not apply.

“(2) Within 90 days after the date of enactment of the Air Transportation Improvement Act, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

“(3) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

“(4) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.”.

SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.

Beginning in calendar year 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

SEC. 418. RECYCLING OF EIS.

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) General Rule . Chapter 421 is amended by adding at the end the following new subchapter:

“SUBCHAPTER III_WHISTLEBLOWER PROTECTION PROGRAM

“§ 42121. Protection of employees providing air safety information

“(a) Discrimination Against Airline Employees . No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)_

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any

order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or will testify in such a proceeding; or

“(4) assisted or participated or is about to assist or participate in such a proceeding.

“(b) Department of Labor Complaint Procedure . _

“(1) Filing and notification . _

“(A) In general . _In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

“(B) Requirements for filing complaints . _A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

“(C) Notification . _Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the _

“(i) filing of the complaint;

“(ii) allegations contained in the complaint;

“(iii) substance of evidence supporting the complaint; and

“(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

“(2) Investigation; preliminary order . _

“(A) In general . _

“(i) Investigation . _Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to

submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(ii) Order . Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

“(iii) Objections . Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

“(iv) Effect of filing . The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

“(v) Hearings . Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) Requirements .

“(i) Required showing by complainant . The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) Showing by employer . Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) Criteria for determination by Secretary . The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) Prohibition . _Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) Final order . _

“(A) Deadline for issuance; settlement agreements . _

“(i) In general . _Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that _

“(I) provides relief in accordance with this paragraph; or

“(II) denies the complaint.

“(ii) Settlement agreement . _At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

“(B) Remedy . _If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to _

“(i) take action to abate the violation;

“(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

“(iii) provide compensatory damages to the complainant.

“(C) Costs of complaint . _If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

“(4) Frivolous complaints. _ Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

“(5) Review .

“(A) Appeal to court of appeals .

“(i) In general .Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

“(ii) Requirements for judicial review .A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

“(B) Limitation on collateral attack .An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(6) Enforcement of order by secretary of labor .

“(A) In general .If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

“(B) Relief .In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

“(7) Enforcement of order by parties .

“(A) Commencement of action .A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

“(B) Attorney fees .In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

“(c) Mandamus .Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) Nonapplicability To Deliberate Violations .Subsection (a) shall not apply with

respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

“(e) Contractor Defined._ In this section, the term ‘contractor’ means a company that performs safety-sensitive functions by contract for an air carrier.”.

(b) Investigations and Enforcement._ Section 347(b)(1) of Public Law 104○50 (49 U.S.C. 106, note) is amended by striking “protection;” and inserting “protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;”.

(c) Conforming Amendment ._The chapter analysis for chapter 421 is amended by adding at the end the following:

“SUBCHAPTER III_WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”.

(d) Civil Penalty ._Section 46301(a)(1)(A) is amended by striking “subchapter II of chapter 421,” and inserting “subchapter II or III of chapter 421,”.

SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.

Section 44502(a) is amended by adding at the end thereof the following:

“(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if_

“(A) the improvements primarily benefit the government;

“(B) are essential for mission accomplishment; and

“(C) the government's interest in the improvements is protected.”.

SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.

Section 47107 is amended by adding at the end thereof the following:

“(q) Denial of Access._

“(1) Effect of denial._ If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

“(2) Airports to which subsection applies._ An airport is described in this paragraph if it_

“(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

“(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

“(C) is located within a 35-mile radius of an airport that has_

“(i) at least 0.05 percent of the total annual boardings in the United States; and

“(ii) current gate capacity to handle the demands of a public charter operation.

“(3) Air carriers described._ An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

“(4) Definitions._ In this subsection:

“(A) Air carrier; air transportation; aircraft; airport._ The terms ‘air carrier’, ‘air transportation’, ‘aircraft’, and ‘airport’ have the meanings given those terms in section 40102 of this title.

“(B) Public charter._ The term ‘public charter’ means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.”.

SEC. 422. TOURISM.

(a) Findings._ Congress finds that_

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of \$127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of \$489,000,000,000 in total expenditures.

(D) The industry generated \$71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than \$98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than \$26,000,000,000;

(4) the private sector, States, and cities currently spend more than \$1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort_combined with additional public and private sector efforts_would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by_

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by

multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) Purposes._ The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) International Visitor Assistance Task Force._

(1) Establishment._ Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the ``Task Force").

(2) Duties._ The Task Force shall examine_

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) Membership._ The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) Chairman._ The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) Report._ Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) Travel and Tourism Industry Satellite System of Accounting._

(1) In general._ The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) Funding._ To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) Authorization of Appropriations._

(1) Authorization._ Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) Restrictions on use of funds._ None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) Report to congress._ Not later than March 30 of each year in which funds are made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth_

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

SEC. 423. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.

It is the sense of the Senate that_

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

SEC. 424. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) Applicability of Merit Systems Protection Board Provisions._ Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended_

(1) by striking ``and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and ``and"; and

(3) by adding at the end thereof the following:

“(8) sections 1204, 1211○1218, 1221, and 7701○7703, relating to the Merit Systems Protection Board.”.

(b) Appeals to Merit Systems Protection Board._ Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

“(c) Appeals to Merit Systems Protection Board._ Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.”.

SEC. 425. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) Authority ._

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be_

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) Conditions of Sale ._ Aircraft and aircraft parts sold under subsection (a)_

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan;

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) Certification of persons and entities._ The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) Regulations._

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall_

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and,

to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) Additional Terms and Conditions._ The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) Report._ Not later than March 31, 2002, the Secretary of Defense shall submit to

the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth_

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the air- craft sold.

(g) Construction._ Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) Proceeds from Sale._ The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) Establishment of Panel._ The Administrator of the Federal Aviation Administration_

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) Membership._ The panel shall consist of_

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) Responsibilities._ The panel shall_

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA To Request Information From Foreign Aircraft Repair Stations._

(1) Collection of information._ The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) Drug and alcohol testing information._ Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) Description of work done._ Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA To Request Information About Domestic Aircraft Repair Stations._ If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may_

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA To Make Information Available to Public._ The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) Termination._ The panel established under subsection (a) shall terminate on the earlier of_

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) Annual Report to Congress._ The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) Definitions._ Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

SEC. 427. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) In General._ A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person that directly obtains aircraft situational display data from the Administration shall require that_

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) Existing Memoranda To Be Conformed._ The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

SEC. 428. ALLOCATION OF TRUST FUND FUNDING.

(a) Definitions . _In this section:

(1) Airport and airway trust fund . _The term ``Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) Secretary . _The term ``Secretary" means the Secretary of Transportation.

(3) State . _The term ``State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) State dollar contribution to the airport and airway trust fund . _The term ``State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) Reporting . _

(1) In general . _As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) Report by secretary . _Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year_

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

SEC. 429. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

SEC. 430. AIRLINE MARKETING DISCLOSURE.

(a) Definitions . _In this section:

(1) Air carrier . _The term ``air carrier" has the meaning given that term in section

40102 of title 49, United States Code.

(2) Air transportation . _The term ``air transportation" has the meaning given that term in section 40102 of title 49, United States Code.

(b) Final Regulations . _Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

SEC. 431. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.

(a) In General._ Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended_

(1) by inserting `` (a) In General._ " before ``The recovery"; and

(2) by adding at the end thereof the following:

``(b) Commercial Aviation._

``(1) In general._ If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of \$750,000 from all defendants for all claims. Punitive damages are not recoverable.

``(2) Inflation adjustment._ The \$750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

``(3) Nonpecuniary damages._ For purposes of this subsection, the term `nonpecuniary damages' means damages for loss of care, comfort, and companionship."

(b) Effective Date._ The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

SEC. 432. FAA STUDY OF BREATHING HOODS.

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

SEC. 433. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA

RECORDERS AND COCKPIT VOICE RECORDERS.

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

SEC. 434. PASSENGER FACILITY FEE LETTERS OF INTENT.

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

SEC. 435. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.

(a) Findings._ The Congress makes the following findings:

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased \$10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) Elimination of Hazardous Materials Enforcement Backlog._ The Administrator of the Federal Aviation Administration shall_

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(2) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) Information Regarding Progress._ The Administrator shall provide information in oral or written form to the Committee on Commerce, Science, and Transportation, on a

quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

SEC. 436. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

Notwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities. The Administrator shall establish criteria for the program. The Administrator may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEM OUTSIDE THE UNITED STATES.

(a) In General._ Section 41310 is amended by adding at the end thereof the following:

“(g) Actions Against Discriminatory Activity by Foreign Computer Reservation System._ The Secretary of Transportation may take any action the Secretary considers to be in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system the principal offices of which are located outside the United States, when the Secretary, on the Secretary's own initiative or in response to a complaint, decides that the activity with respect to airline service_

“(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system the principal offices of which are located in the United States; or

“(2) imposes an unjustifiable or unreasonable restriction on access of a computer reservations system the principal offices of which are located in the United States to a foreign market.”.

(b) Conforming Amendments._ Section 41310 is amended_

(1) by striking “carrier” in the first sentence of subsection (d)(1) and inserting “carrier, computer reservations system firm,”;

(2) by striking “subsection (c)” in subsection (d)(1) and inserting “subsection (c) or (g)”;

(3) by inserting ``or computer reservations system firm" after ``carrier" in subsection (d)(1)(B); and

(4) by striking ``transportation." in subsection (e)(1) and insert ``transportation or to which a computer reservations system firm is subject when providing services with respect to airline service.".

SEC. 438. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) In General . _Section 41706 is amended to read as follows:

``§ 41706. Prohibitions against smoking on scheduled flights

``(a) Smoking Prohibition in Intrastate and Interstate Air Transportation . _An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

``(b) Smoking Prohibition in Foreign Air Transportation . _The Secretary of Transportation (referred to in this subsection as the `Secretary') shall require all air carriers and foreign air carriers to prohibit on and after October 1, 1999, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

``(c) Limitation on Applicability . _

``(1) In general . _If a foreign government objects to the application of subsection (b) on the basis that subsection provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

``(2) Alternative prohibition . _If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

``(d) Regulations . _The Secretary shall prescribe such regulations as are necessary to carry out this section.".

(b) Effective Date . _The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 439. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

Section 47118 is amended_

(1) by striking ``12." in subsection (a) and inserting ``15."; and
(2) by striking ``5-fiscal-year periods" in subsection (d) and inserting ``periods, each not to exceed 5 fiscal years,".

SEC. 440. ROLLING STOCK EQUIPMENT.

(a) In General . _Section 1168 of title 11, United States Code, is amended to read as follows:

``§ 1168. Rolling stock equipment.

``(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if _

``(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

``(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract _

``(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

``(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of _

``(I) the date that is 30 days after the date of the default or event of the default; or

``(II) the expiration of such 60-day period; and

``(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

``(2) The equipment described in this paragraph _

``(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by,

leased to, or conditionally sold to a debtor; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

“(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section_

“(1) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term ‘security interest’ means a purchase-money equipment security interest.

“(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term ‘rolling stock equipment’ includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.”.

(b) Aircraft Equipment and Vessels . _Section 1110 of title 11, United States Code, is amended to read as follows:

“§ 1110. Aircraft equipment and vessels

“(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

“(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if_

“(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract_

“(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

“(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of_

“(I) the date that is 30 days after the date of the default; or

“(II) the expiration of such 60-day period; and

“(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

“(3) The equipment described in this paragraph_

“(A) is_

“(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

“(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to

a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

“(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section_

“(1) the term `lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term `security interest' means a purchase-money equipment security interest.”.

SEC. 441. MONROE REGIONAL AIRPORT LAND CONVEYANCE.

The Secretary of Transportation may waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting

Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city__

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

SEC. 442. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

SEC. 443. REPORT ON SPECIALTY METALS CONSORTIUM.

The Administrator of the Federal Aviation Administration may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements. The Administrator shall report to the Congress within 6 months after entering into an agreement with any such consortium of such producers and manufacturers on the goals and efforts of the consortium.

SEC. 444. PAVEMENT CONDITION.

The Administrator of the Federal Aviation Administration may conduct a study on the extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways, and aprons for airports comprising the national air transportation system. If the Administrator conducts such a study, it shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

SEC. 445. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) In General._ Subchapter I of chapter 471 is further amended by adding at the end the following:

``§ 47137. Inherently low-emission airport vehicle pilot program

``(a) In General._ The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

``(b) Location in Air Quality Nonattainment Areas._

``(1) In general._ A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

``(2) Shortage of candidates._ If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

``(c) Selection Criteria._ In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

``(d) United States Government's Share._ Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

``(e) Maximum Amount._ Not more than \$2,000,000 may be expended under the pilot program at any single public-use airport.

``(f) Report to Congress._ Not later than 18 months after the date of the enactment of the Air Transportation Improvement Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing_

``(1) an evaluation of the effectiveness of the pilot program;

``(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

“(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants to the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

“(g) Inherently Low-emission Vehicle Activity Defined._ In this section, the term ‘inherently low-emission vehicle activity’ means_

“(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that_

“(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

“(B) are labeled in accordance with section 88.312-93(c) of such title;and

“(C) are located or primarily used at public-use airports;

“(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of non-road vehicles that_

“(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

“(B) meet or exceed the standards set forth in section 86.1708-99 of title40 of the Code of Federal Regulations, or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

“(C) are located or primarily used at public-use airports;

“(3) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

“(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).”.

(b) Conforming Amendment._ The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

“47137. Inherently low-emission airport vehicle pilot program.”.

SEC. 446. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) In General . _Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) Deed of Conveyance . _A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) Use of lands subject to waiver . _

(1) In general . _Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) Use of lands . _An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) Grants . _

(1) In general . _Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) Eligibility to receive subsequent grants . _Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from

receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 447. AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.

Section 48101 is further amended by adding at the end the following:

“(f) Automated Surface Observation System/Automated Weather Observing System Upgrade._ Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.”.

SEC. 448. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

The Administrator of the Federal Aviation Administration is authorized to develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for Visual Flight Rule air traffic control towers.

SEC. 449. COST/BENEFIT ANALYSIS FOR RETROFIT OF 16G SEATS.

Before the Administrator of the Federal Aviation Administration issues a final rule requiring the air carriers to retrofit existing aircraft with 16G seats, the Administrator shall conduct, in consultation with the Inspector General of the Department of Transportation, a comprehensive analysis of the costs and benefits that would be associated with the issuance of such a final rule.

SEC. 450. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

The Secretary of Transportation may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to be released_

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

SEC. 451. AIRPORT SAFETY NEEDS.

(a) In General._ The Administrator shall conduct a study reviewing current and future

airport safety needs that_

(1) focuses specifically on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) gives particular consideration to the need for different requirements for airports that are related to the size of the airport and the size of the community immediately surrounding the airport.

(b) Report Transmitted to Congress; Deadline._ The Administrator shall transmit a report containing the Administrator's findings and recommendations to the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation and the Aviation Subcommittee of the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act.

(c) Cost/benefit Analysis of Proposed Changes._ If the Administrator recommends, on the basis of a study conducted under subsection (a), that part 139 of title 14, Code of Federal Regulations, should be revised to meet current and future airport safety needs, the Administrator shall include a cost-benefit analysis of any recommended changes in the report.

SEC. 452. FLIGHT TRAINING OF INTERNATIONAL STUDENTS.

The Federal Aviation Administration shall implement a bilateral aviation safety agreement for conversion of flight crew licenses between the government of the United States and the Joint Aviation Authority member governments.

SEC. 453. GRANT PARISH, LOUISIANA.

In General._ The United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled ``Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana'', dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) Mineral Rights._ Nothing in subsection (a) affects the ownership or disposition of oil, gas, or other mineral resources associated with land described in subsection (a).

TITLE V_AVIATION COMPETITION PROMOTION

SEC. 501. PURPOSE.

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.

Section 102 is amended by adding at the end thereof the following:

“(g) Small Community Air Service Development Program._

“(1) Establishment._ The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

“(2) Functions._ The program director shall_

“(A) function as a facilitator between small communities and air carriers;

“(B) carry out section 41743 of this title;

“(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

“(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

“(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

“(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

“(3) Reports._ The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that_

“(A) analyzes the availability of air transportation services in small communities,

including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

“(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

“(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.”.

SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) In General._ Subchapter II of chapter 417 is amended by adding at the end thereof the following:

“§ 41743. Air service program for small communities

“(a) Communities Program._ Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

“(b) Selection of Participants._ In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that_

“(1) will promote the development of a national air transportation system; and

“(2) will involve the participation of communities in all regions of the country.

“(c) Carriers Program._ The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include_

“(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

“(2) a forecast of the minimum percentage of that traffic the carrier would require the

community to garner in order for the carrier to start up and maintain the service; and

“(3) the costs and benefits of providing jet service by regional or other jet aircraft.

“(d) Program Support Function._ The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director_

“(1) may work with communities to develop innovative means and incentives for the initiation of service;

“(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

“(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that_

“(A) are acceptable to communities and carriers; and

“(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

“(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

“(5) take such other action under this chapter as may be appropriate.

“(e) Limitations._

“(1) Community support._ The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that_

“(A) a public-private partnership exists at the community level to carry out the community's proposal;

“(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

“(C) the community has established an open process for soliciting air service proposals; and

“(D) the community will accord similar benefits to air carriers that are similarly

situated.

“(2) Amount._ The program director may not obligate more than \$80,000,000 of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

“(3) Number of participants._ The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

“(f) Report._ The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

“§ 41744. Pilot program project authority

“(a) In General._ The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program_

“(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

“(2) to facilitate better air service link-ups to support the improved access.

“(b) Project Authority._ Under the pilot program established pursuant to subsection (a), the program director may_

“(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to \$500,000 per year; and

“(2) take such other action as may be appropriate.

“(c) Other Action._ Under the pilot program established pursuant to subsection (a), the program director may facilitate service by_

“(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

“(2) collecting data on air carrier service to small communities; and

“(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

“(d) Additional Action._ Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section

41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

``§ 41745. Assistance to communities for service

``(a) In General._ Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than_

``(1) 4 communities within any State at any given time; and

``(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

``(b) Eligibility._ In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that_

``(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

``(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

``(3) the pilot project will not impede competition; and

``(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

``(c) Coordination with Other Provisions of Subchapter._ The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

``(d) Maximization of Participation._ The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to_

“(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

“(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by_

“(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

“(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be_

“(i) viable without further support under this subchapter; or

“(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

“(e) Success Bonus._ If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

“(f) Program to Terminate in 4 Years._ No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

“§ 41746. Additional authority

“In carrying out this chapter, the Secretary_

“(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

“(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

“(3) may accord priority to service by jet aircraft;

“(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

“(5) shall work with the Federal Aviation Administration on airport and air traffic control

needs of communities in the program."

(b) Conforming Amendment._ The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

``41743. Air service program for small communities.

``41744. Pilot program project authority.

``41745. Assistance to communities for service.

``41746. Additional authority."

(c) Waiver of Local Contribution._ Section 41736(b) is amended by inserting after paragraph (4) the following:

``Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997."

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation \$80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

SEC. 505. MARKETING PRACTICES.

Section 41712 is amended_

(1) by inserting ``(a) In General._" before ``On"; and

(2) by adding at the end thereof the following:

``(b) Marketing Practices That Adversely Affect Service to Small or Medium Communities._ Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including_

``(1) marketing arrangements between airlines and travel agents;

``(2) code-sharing partnerships;

``(3) computer reservation system displays;

“(4) gate arrangements at airports;

“(5) exclusive dealing arrangements; and

“(6) any other marketing practice that may have the same effect.

“(c) Regulations._ If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary may promulgate regulations that address the problem, or take other appropriate action. Nothing in this section expands the authority or jurisdiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.”.

SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.

(a) In General._ Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

“§ 41718. Slot exemptions for nonstop regional jet service.

“(a) In General._ Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between_

“(1) an airport with fewer than 2,000,000 annual enplanements; and

“(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

“(b) Existing Slots Taken into Account._ In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

“(c) Conditions._ The Secretary may grant an exemption to an air carrier under subsection (a)_

“(1) for a period of not less than 12 months;

“(2) for a minimum of 2 daily roundtrip flights; and

“(3) for a maximum of 3 daily roundtrip flights.

“(d) Change of Nonhub, Small Hub, or Medium Hub Airport; Jet Aircraft._ The Secretary may, upon application made by an air carrier operating under an exemption

granted under subsection (a)_

“(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

“(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if_

“(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

“(B) the air carrier can demonstrate unmitigatable losses.

“(e) Forfeiture for Misuse._ Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

“(f) Priority to New Entrants and Limited Incumbent Carriers._

“(1) In general._ In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

“(2) Limitation._ No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

“(3) Affiliated carriers._ The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

“(g) Stage 3 Aircraft Required._ An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(h) Regional Jet Defined._ In this section, the term ‘regional jet’ means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.”.

(b) Conforming Amendments._

(1) Section 40102 is amended by inserting after paragraph (28) the following:

“(28A) Limited incumbent air carrier._ The term ‘limited incumbent air carrier’ has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that ‘20’ shall be substituted for ‘12’ in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.”.

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

“41718. Slot exemptions for nonstop regional jet service.”.

SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) In General._ Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

“§ 41719. Special Rules for Ronald Reagan Washington National Airport

“(a) Beyond-Perimeter Exemptions._ The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will_

“(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

“(2) increase competition by new entrant air carriers or in multiple markets;

“(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

“(4) not result in meaningfully increased travel delays.

“(b) Within-Perimeter Exemptions._ The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000 annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

“(c) Limitations._

“(1) Stage 3 aircraft required._ An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(2) General exemptions ._The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 3 operations.”.

“(3) Additional exemptions._ The Secretary shall grant exemptions under subsections (a) and (b) that_

“(A) will result in 24 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

“(B) will result in 12 additional daily commuter slot exemptions at such airport; and

“(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that has 2,000,000 or fewer annual enplanements.

“(4) Assessment of safety, noise and environmental impacts._ The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500-1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

“(5) Applicability with exemption 5133._ Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

“(d) Additional Within-perimeter Slot Exemptions at Ronald Reagan Washington National Airport._ The Secretary shall by order grant 12 slot exemptions from the

requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation."

(b) **Override of MWAA Restriction.** _ Section 49104(a)(5) is amended by adding at the end thereof the following:

``(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.".

(c) **MWAA Noise-Related Grant Assurances** . _

(1) **In general** . _In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year _

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) **Waiver** . _The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) **Sunset** . _This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) Noise Compatibility Planning and Programs . _Section 47117(e) is amended by adding at the end the following:

“(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.”.

(e) Conforming Amendments. _

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

“41719. Special Rules for Ronald Reagan Washington National Airport.”.

(f) Report. _ Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.

(a) In General. _ Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

“§ 41720. Special Rules for Chicago O'Hare International Airport

“(a) In General. _ The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

“(b) Equipment and Service Requirements. _

“(1) Stage 3 aircraft required. _ An exemption may not be granted under this section

with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(2) Service provided._ Of the exemptions granted under subsection (a)_

“(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

“(B) 12 shall be air carrier slot exemptions.

“(c) Procedural Requirements._ Before granting exemptions under subsection (a), the Secretary shall_

“(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

“(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

“(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

“(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

“(d) Underserved Market Defined._ In this section, the term `service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).”.

(b) Studies._

(1) 3- year report._ The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT study in 2000._ The Secretary of Transportation shall studycommunity noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) Conforming Amendment._ The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

“41720. Special Rules for Chicago O'Hare International Airport.”.

SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

“(d) E-Ticket Expiration Notice._ It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.”.

SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.

(a) Purpose._ The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) Study._ The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze_

- (1) the need for such a program;
- (2) its potential benefit to small communities;
- (3) the trade implications of such a program;
- (4) market implications of such a program for the sale of regional jets;
- (5) the types of markets that would benefit the most from such a program;
- (6) the competitive implications of such a program; and
- (7) the cost of such a program.

(c) Report._ The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of

Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

TITLE VI_NATIONAL PARKS OVERFLIGHTS

SEC. 601. FINDINGS.

The Congress finds that_

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) In General ._Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

``§ 40126. Overflights of national parks

``(a) In General._

``(1) General requirements ._A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except_

``(A) in accordance with this section;

``(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any effective air tour management plan for that park or those tribal lands.

“(2) Application for operating authority._

“(A) Application required ._Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

“(B) Competitive bidding for limited capacity parks ._Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including_

“(i) the safety record of the company or pilots;

“(ii) any quiet aircraft technology proposed for use;

“(iii) the experience in commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the company;

“(v) any training programs for pilots; and

“(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

“(C) Number of operations authorized ._In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

“(D) Cooperation with nps ._Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(E) Time limit on response to ATMP applications. _ The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

“(3) Exception . _Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if _

“(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

“(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

“(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

“(4) Special rule for safety requirements . _Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

“(b) Air Tour Management Plans. _

“(1) Establishment of atmps . _

“(A) In general . _The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

“(B) Objective . _The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

“(2) Environmental determination . _In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the

environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

“(3) Contents . _An air tour management plan for a national park_

“(A) may prohibit commercial air tour operations in whole or in part;

“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

“(C) shall apply to all commercial air tours within $\frac{1}{2}$ mile outside the boundary of a national park;

“(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

“(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

“(4) Procedure . _In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall_

“(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or

tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

“(5) Amendments . _Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

“(c) Interim Operating Authority._

“(1) In general . _Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

“(2) Requirements and limitations . _Interim operating authority granted under this subsection_

“(A) shall provide annual authorization only for the greater of_

“(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

“(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

“(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

“(C) shall be published in the Federal Register to provide notice and opportunity for comment;

“(D) may be revoked by the Administrator for cause;

“(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

“(F) shall_

“(i) promote protection of national park resources, visitor experiences, and tribal lands;

“(ii) promote safe operations of the commercial air tour;

“(iii) promote the adoption of quiet technology, as appropriate; and

“(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

“(3) New entrant air tour operators._

“(A) In general._ The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

“(B) Safety limitation._ The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

“(C) ATMP limitation._ The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

“(d) Definitions ._In this section, the following definitions apply:

“(1) Commercial air tour ._The term ‘commercial air tour’ means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to_

“(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(B) whether a narrative was provided that referred to areas or points of interest on the surface;

“(C) the area of operation;

“(D) the frequency of flights;

“(E) the route of flight;

“(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

“(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

“(2) Commercial air tour operator . _The term ‘commercial air tour operator’ means any person who conducts a commercial air tour.

“(3) Existing commercial air tour operator . _The term ‘existing commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

“(4) New entrant commercial air tour operator . _The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that _

“(A) applies for operating authority as a commercial air tour operator for a national park; and

“(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

“(5) Commercial air tour operations . _The term ‘commercial air tour operations’ means commercial air tour flight operations conducted _

“(A) over a national park or within $\frac{1}{2}$ mile outside the boundary of any national park;

“(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

“(C) less than 1 mile laterally from any geographic feature within the park (unless more than $\frac{1}{2}$ mile outside the boundary).

“(6) National park . _The term ‘national park’ means any unit of the National Park System.

“(7) Tribal lands . _The term ‘tribal lands’ means ‘Indian country’, as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

“(8) Administrator . _The term ‘Administrator’ means the Administrator of the Federal

Aviation Administration.

“(9) Director . _The term ‘Director’ means the Director of the National Park Service.”.

(b) Exemptions and Special Rules._

(1) Grand canyon._ Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to_

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) Lake Mead._ A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

!!(3) Quiet aircraft technology for Grand Canyon._

!!(A) Quiet technology requirements._

!!(i) Designation._ With 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate the requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section.

!!(ii) Phase-out of aircraft not employing technology._ The Administrator shall establish a schedule under which the use of fixed-wing or helicopter aircraft that do not employ quiet aircraft technology for commercial air tours (as defined in section 40126(d)(1) of title 49, United States Code) for tours of the Grand Canyon will be phased-out over a reasonable period of time to allow for their replacement. At the end of the phase-out period, the Administrator shall prohibit the use of aircraft that do not meet those requirements for such tours.

!!(B) Routes or corridors._ The Administrator shall by rule establish routes or corridors for commercial air tours (as defined in section 40126(d)(1) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for_

!!(i) tours of the Grand Canyon originating in Clark County, Nevada; and

!!(ii) ``local loop" tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona.

!!(C) Operational caps and expanded hours._ Commercial air tours (as so defined) by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft_

!!(i) shall not be subject to operational flight allocations applicable to other commercial air tours of the Grand Canyon; and

!!(ii) may be conducted during the hours from 7:00 a.m. to 7:00 p.m.

!!(D) Goal of restoring natural quiet._ Nothing in this paragraph reduces the goal, established for the Federal Aviation Administration and the National Park Service under Public Law 100-91 (16 U.S.C. 1a-1 note), of achieving substantial restoration of the natural quiet at the Grand Canyon National Park.¶

(4) Alaska._ The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

(5) Compliance with other regulations._ For purposes of section 40126 of title 49, United States Code_

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100○91 (16 U.S.C. 1a○1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) Clerical Amendment ._The table of sections for chapter 401 is amended by adding at the end thereof the following:

``40126. Overflights of national parks."

SEC. 603. ADVISORY GROUP.

(a) Establishment ._Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National

Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) Membership .__

(1) In general .__The advisory group shall be composed of__

(A) a balanced group of __

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) Ex-officio members .__The Administrator and the Director shall serve as ex-officio members.

(3) Chairperson .__The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) Duties .__The advisory group shall provide advice, information, and recommendations to the Administrator and the Director__

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) Compensation; Support; FACA . _

(1) Compensation and travel . _Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) Administrative support . _The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) Nonapplication of faca . _Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) Report._ The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

SEC. 604. OVERFLIGHT FEE REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to _

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

TITLE VII _TITLE 49 TECHNICAL CORRECTIONS

SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).

(a) In General._ Section 106(g) is amended by striking ``40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507,

44508, 44511○44513, 44701○44716, 44718(c), 44721(a), 44901, 44902, 44903(a)○(c) and (e), 44906, 44912, 44935○44937, and 44938(a) and (b), chapter 451, sections 45302○45304," and inserting ``40113(a), (c)○(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)○(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907○44911, 44913, 44915, and 44931○44934), chapter 451, chapter 453, sections".

(b) Technical Correction._ The amendment made by this section may not be construed as making a substantive change in the language replaced.

SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.

Section 44909(a)(2) is amended by striking ``shall" and inserting ``should".

TITLE VIII_TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 801. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator of the Federal Aviation Administration the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 802. TRANSFER OF OFFICE, PERSONNEL AND FUNDS.

(a) Effective October 1, 2000 the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) Effective October 1, 2000 the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this Act, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this Act transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this Act.

SEC. 803. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) In General._ Section 44721 is amended to read as follows:

``§ 44721. Aeronautical charts and related products and services

``(a) In General._ The Administrator of the Federal Aviation Administration is invested with and shall exercise, effective October 1, 2000 the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

``(1) Sections 1 through 9 of the Act entitled ``An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a-883h).

``(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

``(3) Section 1307 of title 44, United States Code.

``(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading `National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 nt).

``(b) Authority to Conduct Surveys._ To provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Administrator is authorized to conduct the following activities:

``(1) Aerial and field surveys for aeronautical charts.

``(2) Other airborne and field surveys when in the best interest of the United States Government.

``(3) Acquiring, owning, operating, maintaining and staffing aircraft in support of surveys.

``(c) Additional Authority._ In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator is authorized to conduct the following activities:

``(1) Developing, processing, disseminating and publishing of digital and analog data, information, compilations, and reports.

``(2) Compiling, printing, and disseminating aeronautical charts and related products and services of the United States, its Territories, and possessions.

“(3) Compiling, printing and disseminating aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation.

“(4) Compiling, printing and disseminating non-aeronautical navigational, transportation or public-safety-related products and services when in the best interests of the United States Government.

“(d) Contract, Cooperative Agreements, Grants, and Other Agreements._

“(1) The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

“(2) The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

“(e) Special Services and Products._

“(1) The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

“(2) The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the United States Government by furthering public safety.

“(f) Sale and Dissemination of Aeronautical Products._

“(1) Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

“(A) Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

“(B) The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

“(C) A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

“(2) The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

“(3) The Administrator may distribute aeronautical products and provide aeronautical services_

“(A) without charge to each foreign government or international organization with which the Administrator or a Federal agency has an agreement for exchange of these products or services without cost;

“(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

“(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

“(4) The fees provided for in this subsection are for the purpose of reimbursing the United States Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.”.

(b) Conforming Amendment._ The chapter analysis of chapter 447 is amended by adding at the end thereof the following:

“44721. Aeronautical charts and related products and services.”.

SEC. 804. SAVINGS PROVISION.

(a) Continued Effectiveness of Directives._ All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial

assistance that_

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the National Oceanic and Atmospheric Administration (NOAA) Administrator, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator, a court of competent jurisdiction, or by operation of law.

(b) Continued effectiveness of pending actions._

(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the NOAA Administrator, or any officer thereof with respect to functions transferred by this Act; but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the NOAA Administrator, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this Act.

(c) Continued Effectiveness of Judicial Actions._ No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this Act, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) Substitution or Addition of Parties to Judicial Actions._ If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration,

or any officer thereof in the official's capacity, is a party to an action, and under this Act any function relating to the action of such Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) Continued Jurisdiction Over Actions Transferred._ Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer.

(f) Liabilities and Obligations._ The Administrator shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this Act on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.

SEC. 805. NATIONAL OCEAN SURVEY.

(a) Section 1 of the Act entitled ``An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a) is amended_

(1) by striking paragraph (1) and inserting the following:

``(1) Hydrographic, topographic and other types of field surveys;''; and

(2) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) Section 2 of that Act (33 U.S.C. 883b) is amended_

(1) by striking paragraphs (3) and (5), and redesignating paragraph (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking ``charts of the United States, its Territories, and possessions;'' in paragraph (3), as redesignated, and inserting ``charts;''; and

(3) by striking ``publications for the United States, its Territories, and possessions'' in paragraph (4), as redesignated, and inserting ``publications.''.

(c) Section 5(1) of that Act (33 U.S.C. 883e(1)) is amended by striking ``cooperative agreements'' and inserting ``cooperative agreements, or any other agreements,''.

SEC. 806. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) Section 1307 of title 44, United States Code, is amended by striking ``and aeronautical'' and ``or aeronautical'' each place they appear.

(b) Section 1307(a)(2)(B) of title 44, United States Code, is amended by striking ``aviation and''.

(c) Section 1307(d) of title 44, United States Code, is amended by striking ``aeronautical and''.